

## **ZONING BOARD OF APPEALS**

### **JUNE 16, 2014 MEETING MINUTES**

**PRESENT:** Chairperson Ron Nolland, Maurica Gilbert, Scott DeMane, Kathy Latinville (Alt.), Karl Weiss, (Alt.)

**ABSENT:** Michelle LaBounty, Connie Fisher,

**ALSO PRESENT:** Joseph McMahon, Building Inspector

Appeal #1999 Jason Kozilsky

Appeal #2000 Glen and Kathy Light

Mr. Nolland called the meeting to order at 7:01 PM. He advised this is a 5 person board, which consists of 5 regular members and 2 alternate members. For each application, 3 positive votes are needed to carry any motion. The applicant has a right to postpone on Board's behalf one time. The rule the board goes by when a board member lives within 500' of an appeal is the member excuses themselves unless the applicant wants to waive that rule. Mr. Kozilsky then waived that rule and allowed Ms. Gilbert to vote on Appeal #1999.

The below items were on tonight's agenda.

<b>APPEAL</b>	<b>APPLICANT</b>	<b>REQUEST</b>
1999	JASON KOZILSKY 59 LAFAYETTE STREET	CLASS B VARIANCE CONSTRUCT PORCH WITHIN FRONT YARD SETBACK
2000	KATHY & GLEN LIGHT 11 MORRISON AVENUE	CLASS B VARIANCE CONSTRUCT LARGER PORCH WITHIN YARD SETBACK

The **first** item on the agenda was Appeal #1999, Jason Kozilsky, 59 Lafayette Street for a Class B Area Variance to construct a porch within the front side yard setback.

[Meter 2:40]

Section appealed is 270-10 Schedule of Area and Bulk Controls.

Mr. Nolland asked if the applicant wanted a roof or deck. Mr. Kozilsky advised just a front deck. Mr. Nolland advised if the applicant wanted a roof that would be a separate variance. The applicant advised no. In the future, if the applicant does want a roof over this deck, he would have to come back in front of the zoning board.

The Short Form SEQR was submitted with this application. It looks like this porch will go right to the sidewalk. Mr. Nolland didn't know if he owned right to the sidewalk and cannot put a foundation in if he goes right to the sidewalk. He is showing an 8' deck right to sidewalk. The Board would like to see a foot between the end of the deck and the sidewalk. He asked if this would be acceptable to the applicant. Mr. Kozilsky said yes.

The applicant filled out Part 2 of the SEQR in error.

The board found no problem with the Short Form SEQR answers.

**MOTION:**

**By Ms. Gilbert, seconded by Mr. DeMane**

**REGARDING PART 2 OF THE SHORT FORM SEQR, QUESTIONS 1 – 11, THAT  
THE ANSWER IS NO OR SMALL IMPACT, AS AGREED TO BY THE BOARD**

**ALL IN FAVOR**

**MOTION:**

**By Ms. Gilbert, seconded by Ms. Latinville**

**TO CHECK THE BOX THAT THE BOARD HAS DETERMINED THAT THE  
PROPOSED ACTION WILL HAVE NO SIGNIFICANT ADVERSE ENVIRONMENTAL  
IMPACT**

**ALL IN FAVOR**

The variance amount of a deck 1' back from the sidewalk was discussed, which was 127 square feet.

Ms. Gilbert questioned whether the stairs would stay. Mr. Kozilsky passed out a computer image of the proposed porch.

The Board acknowledged when looking at this street the building lots are long skinny lots with every other house built right up to the sidewalk and the porches are enclosed. Also no place to park your car. At one point it looks like there was a porch on this home. Mr. Kozilsky explained when they first move in, there were flower boxes the full length of the front of the house. In the early 70's, it was a duplex and concrete stairs on both sides (main entrance & side). In the 90's, it was turned into a single family. He believed at one time there was a porch in this spot.

**MOTION:**

**By Ms. Gilbert, seconded Mr. Weiss**

**REGARDING APPEAL #1999, JASON KOZILSKY, 59 LAFAYETTE STREET TO  
GRANT A VARIANCE WITH A FRONT YARD SETBACK ALLOWING HIM TO  
CONSTRUCT A DECK THAT WILL MEET A VARIANCE OF 130 SQUARE FEET IN  
THE FRONT YARD SETBACK BUT COMING NO CLOSER THAN 1' TO THE  
INSIDE LINE OF THE SIDEWALK, WITH AN OPEN DECK, NO ROOF**

**ALL IN FAVOR:            5**

**OPPOSED:            0**

**MOTION PASSED**

The **second** item on the agenda was Appeal #2000, Kathy and Glenn Light, 15 Morrison Avenue for a Class B Area Variance to construct larger porch within the front yard setback.

[Meter 15:01]

Section appealed is 270-10 Schedule of Area and Bulk Controls.

Mr. Nolland acknowledged the board knows the applicant's intent is to make the house look nice. They are a little concerned about the size of the porch. They went back and forth about what's the right size.

The applicant is requesting a 6' x 32' but for an open deck. There is already a small roof over the steps. The question is to try to come to a compromise and not be the full width.

Ms. Light advised they were not doing the whole width of the house. On each side, it's 2-1/2 on each side. Mr. Nolland stated there is almost no one on Morrison that has a full length porch that sticks into the front yard setback. It will look nice but not so big. Mr. Light wants to cover the concrete there now.

Mr. Weiss asked about the roof. Ms. Light advised it would be a shed-style roof and to look like a craftsman bungalow. The applicant does not want to enclose it.

Mr. Nolland was concerned about precedent.

Ms. Gilbert asked if the applicant had deed restrictions. Mr. Light thought there were none.

Window size was questioned. [Meter 19:03]

Roof dimensions were discussed. [Meter 20:08 – 34:20] The whole house is 34.4' wide. Further discussion about the shutters, google earth picture of home, footage of windows from the edge of the house, installation of the columns, gables, reducing the size of the porch, deck itself to be 28' 4" wide, with a 1' overhang, roofing going against coverage, not enclosing porch, whole thing being the variance.

On the SEQR, the board changed the following:

#9 changed to n/a

**MOTION:**

***By Ms. Gilbert, seconded by Mr. DeMane***

***THAT THE BOARD AGREES WITH THE ANSWERS ON THE SEQR PART 1,  
QUESTIONS 1 – 20***

***ALL IN FAVOR***

**MOTION 2:**

***By Ms. Gilbert, seconded by Mr. DeMane***

**THAT THE BOARD FINDS, FOR PART 2, QUESTIONS 1 – 10 ARE RIGHTFULLY  
ANSWERED NO OR SMALL IMPACT**

**ALL IN FAVOR**

**MOTION 3:**

***By Ms. Gilbert, seconded by Mr. Weiss***

**THAT THE BOARD FINDS THAT THE SECOND BOX PART 3 UNDER  
DETERMINATION OF SIGNIFICANCE SHOULD BE CHECKED AND THAT THE  
PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE  
ENVIRONMENTAL IMPACT**

**MOTION ON VARIANCE #2000:**

***By Mr. DeMane, seconded by Ms. Latinville***

**TO GRANT APPEAL #2000 TO KATHY AND GLENN LIGHT AT 15 MORRISON  
AVENUE, CLASS B VARIANCE TO CONSTRUCT A PORCH WITHIN THE FRONT  
YARD SETBACK, THE VARIANCE TO CONSIST OF 146 SQUARE FEET, THE  
DIMENSIONS OF THE PORCH TO BE 28' X 4" X 6', PORCH NOT TO BE  
ENCLOSED**

**ALL IN FAVOR:           5**

**OPPOSED:           0**

**MOTION PASSED**

**MOTION:**

**TO APPROVE THE APRIL 21, 2014 MINUTES**

**ALL IN FAVOR**

**(Mr. Nolland, Mr. DeMane, Ms. Gilbert, Mr. Weiss)**

**MOTION PASSED**

***MOTION TO ADJOURN:***

***By Mr. DeMane, seconded by Mr. Weiss***

***ALL IN FAVOR***

***MOTION PASSED***

Meeting adjourned at 7:43 PM

For the purpose of this meeting, this meeting was recorded on the VIQ System in the Common Council Chambers. This is a true and accurate copy and transcription of the discussion.

Denise Nephew  
Secretary  
Zoning Board of Appeals